

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SHARON ALLISON, on behalf of herself and the  
class of similarly situated persons;**

**Plaintiffs,**

**v.**

**NO. CV 05-881 WPJ/WDS**

**LINCOLN COUNTY BOARD OF  
COMMISSIONERS; CORNELL COMPANIES,  
INC., a Delaware Corporation; CORRECTIONAL  
SYSTEMS, INC., a Delaware Corporation; MIKE  
HOLM, individually and in his official capacity;  
ROGER JEFFERS, individually and in his official  
capacity; PETER MORALES, individually and in  
his official capacity; LUCY VEGA, individually  
and in her official capacity; LINCOLN COUNTY  
DETENTION CENTER CORRECTIONS  
OFFICERS DOES 1 THROUGH 50 and ROES 1  
THROUGH 20, inclusive;**

**Defendants.**

**JOINT MOTION FOR APPROVAL OF FINAL  
DISTRIBUTION OF SETTLEMENT PROCEEDS**

COME NOW the parties hereto, by and through their respective counsel, below-listed, and jointly move this Court for the entry of an order approving the final distribution of the remaining proceeds resulting from the settlement of the above-referenced cause. In support thereof, the parties jointly state:

1. On November 29, 2007, this Court entered its Final Judgment of Dismissal and Order Granting Final Approval of Settlement Agreement [Doc. No. 65]. That document gave

final approval to the settlement agreement between the parties and authorized payment to be made to class members pursuant to the formula agreed to between the parties in the stipulation of settlement.

2. The claims administrator has now fully administered the fund and made distributions in accordance with the stipulation of settlement.

3. After payment of all verified claims, payment of attorney's fees and costs incurred by class counsel, and payment of all costs of claims administration, there remains a balance in the account of \$56,052.87. This amount is the result of outstanding checks to settlement class members which were never negotiated and have become void, as well as amounts held in the late claims reserve, an overnight fee deducted from a settlement check, and a small amount under the original distribution amount estimated due to rounding.

4. The stipulation and other settlement documents do not address how leftover funds are to be disposed of. The parties are in agreement that, subject to Court approval, it would be appropriate to disburse such fees to appropriate non-profit entities. Such a procedure has been utilized and approved in other class action litigation.

5. The parties jointly propose that the balance left in the account be distributed to charitable entities with 50% of the balance going to the YMCA of Central New Mexico and the remaining 50% going to the Centro de los Derechos del Migrante, Inc.

6. The YMCA of Central New Mexico is a non-profit New Mexico corporation which provides services to children, adults and families throughout central New Mexico.

The YMCA's mission is to build a stronger community by developing the spirit, minds and bodies of its members through a broad range of programs including youth sports, programs for at-risk teens (including but not limited to programs to provide facilities and resources for homeless high school students), youth in government programs, fitness and swimming programs for children, adults and seniors, camping, preschool, before and after school care, and summer programs for school-aged children. The YMCA is dedicated to providing these services to its members regardless of their ability to pay, and each year the YMCA raises over \$200,000 in scholarship money to allow such individuals to participate in its programs. The portion of unused funds from the present lawsuit allocated to the YMCA of Central New Mexico will be used to provide scholarships to individuals who otherwise would not be able to afford to participate in the YMCA's programs.

7. Centro de los Derechos del Migrante, Inc. ("CDM") is an innovative (501)(c)(3) not-for-profit organization dedicated to improving the working conditions of migrant workers in the United States. It provides targeted outreach services in Mexico to assist Mexican workers who have returned to Mexico but have claims arising from their employment in the United States, to pursue those claims. CDM also provides services to parties involved in U.S. based litigation by assisting advocates in complying with discovery requirements when clients have returned to Mexico. CDM also supports the distribution of U.S. settlements and court awards for clients residing in Mexico by tracking down such clients to distribute their recoveries.

8. The parties jointly seek the Court's approval of this proposed distribution of the remaining funds in the settlement account. After such distribution, all funds will be completely accounted for in connection with this settlement.

WHEREFORE, for all of the foregoing reasons, the parties hereto jointly propose that the Court enter its order approving the distribution of the remaining balance in the settlement account as set forth above.

Respectfully submitted,

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